

Robert Young Hayne to Andrew Jackson, February 4, 1831, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

ROBERT Y. HAYNE TO JACKSON.

Washington, February 4, 1831.

Dear Sir, I understand from Col. Drayton, that you have informed him, that *it has been objected* to the appointment of Mr. Finley to the office of District Attorney for So. Ca. that he entertains political principles which ought to prevent him from holding an office under the U. S. Not being informed of the quarter from whence this suggestion comes, I think it due to all parties, that you should be made acquainted with the fact that in presenting the name of Mr. Finley for the office in question, accompanied by a recommendation of *seven* out of *eleven* of the South Carolina Delegation, we were not influenced by party considerations, but by his distinguished talents and high character. In recommending this Gentleman we did not speak of one with whose character, talents and principles we were unacquainted, but who was well known to us, and for whose fidelity in the performance of the duties of the Office we were perfectly willing to pledge ourselves.

That Mr. Finley is a distinguished member of the State Rights party of So. Ca. is true, that he believes with Thos. Jefferson that a state acting in its sovereign capacity has a right to interpose for the preservation of its rights reserved under the Constitution, I have no doubt, for these are principles common to the party to which he belongs, as may be seen in the proceedings of the Legislature of So. Ca. at their last session. But that he would impair the Constitutional powers of the federal government is I am persuaded wholly without foundation. It is, I trust, not to be apprehended, that in the discharge of his official duties as District Attorney, he could ever be called upon, to sacrifice his obligations to the State of

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which he is a Citizen, and should such an unhappy state of things ever arise, I undertake to pledge myself that Mr. F. would not remain for an hour in any office the duties of which he could not conscientiously discharge. Unless therefore it should be considered that a *crisis now exists*, in the relations between South Carolina, and the federal government, which forbids the appointment to office of any member of the State Rights party, I must consider the objections to Mr. Finley as altogether groundless.

Believing that attempts will on all occasions hereafter be made, to confine appointments to members of the party opposed to that of which Mr. F. is a member, I take the opportunity presented by this case, of informing myself whether it is to be considered as an insuperable objection to any gentleman's receiving an appointment to office under the federal government, that he belongs to the State Rights party of S. Ca. As the objection which has been raised should it prevail, would apply to a majority of the people of that State I am induced most respectfully to request to be informed what weight it will be considered as entitled to in the estimation of the President. I will only add that if the Executive of the U. S. should act on the principle that a *crisis now exists* in the relations between So. Ca. and the federal government which renders it improper to appoint to a federal office any member of the party now in power in that State, such a rule of action will be the very opposite of that, which has governed the conduct of the State Rights party of that State, who during the last Session of the Legislature elevated to the Bench of their Appeal Court, a Gentleman whose political opinions were known to be opposed to their own, and who selected as their *Attorney General* a gentleman not only opposed to nullification and convention, but who acknowledges the supremacy of the federal Judiciary over the Judicial tribunals of the State. In these acts South Carolina has shewn that in appointments to these high offices she disregards the party distinctions which now exist in that State, and I should deeply regret, that they should prevail in appointments to be made by the federal government

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I am with great respect